

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRITISH TELECOMMUNICATIONS PLC,

Plaintiff,

v.

COXCOM, INC., COX
COMMUNICATIONS, INC., and CABLE
ONE, INC.,

Defendants.

C.A. No. 10-658 (SLR)

PUBLIC VERSION

COMCAST CABLE COMMUNICATIONS,
LLC and COMCAST CORPORATION,

Plaintiffs,

v.

BRITISH TELECOMMUNICATIONS PLC,
Defendant.

C.A. No. 11-843 (SLR)

PUBLIC VERSION

**BT'S PROFFER OF EVIDENCE REGARDING
DOCTRINE OF EQUIVALENTS FOR THE CARTER '989 PATENT**

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Dated: January 20, 2014
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On January 13, 2014, this Court issued its ruling regarding the exclusion of expert testimony from Dr. Lyon. This Court opined that “[b]ecause Dr. Lyon’s report does not provide a basis for his equivalency conclusions, his conclusions are not sufficient to pass muster under the standard, and any testimony on the doctrine of equivalence is excluded.” D.I. 461, pp. 37-39.

BT seeks clarification from this Court that, although testimony regarding equivalents from Dr. Lyon is excluded under the Court’s January 13, 2014 ruling, BT may still be able to present arguments as to equivalents based on the evidence of record, including the record evidence below. Plaintiff British Telecommunications plc (“BT”)

hereby presents the following proffer of evidence that it seeks to offer at trial to establish Cox's infringement of the Carter '989 patent under the doctrine of equivalents:

1. Testimony regarding the structure, function, and operation of EMTAs deployed in Cox's network and the knowledge of persons of skill in the art:

- Jeff Finkelstein
- Bruce McLeod,
- Dr. David Evans
- John Wroclawski
- Dr. David Lyon

2. Testimony regarding important vs incidental aspects of the invention

- Dr. Terence Hodgkinson
- Dr. David Lyon

3. Documents describing the structure, function, and operation of DOCSIS and PacketCable EMTAs deployed in Cox's network:

- BTP0245099-5237: RFC 4546, Radio Frequency (RF) Interface MIB for DOCSIS 2.0 Compliant RF Interfaces
- COX0019873-20238: DOCSIS 2.0, Operations Support System Interface Specification, CM-SP-OSSIV2.0-C01-081104
[REDACTED]
- BTP0036425-6860: DOCSIS 1.1, Radio Frequency Interface Specification, CM-SP-RFIV1.1-C01-050907
- BTP0037361-7859: DOCSIS 2.0, Radio Frequency Interface Specification, CM-SP-RFIV2.0-C02-090422
- BTP0033538-4301: DOCSIS 3.0, MAC and Upper Layer Protocols Interface Specification, CM-SP-MULPIV3.0-I13-100611
- COX0019197-9632: DOCSIS 1.1, Radio Frequency Interface Specification, CM-SPRFIV1.1-C01-050907
- COX0020239-0737: DOCSIS 2.0, Radio Frequency Interface Specification, CM-SPRFIV2.0-C02-090422
- COX0020816-1577: DOCSIS 3.0, MAC and Upper Layer Protocols Interface Specification, CM-SP-MULPIV3.0-I11-091002
- COX0022397-2565: DOCSIS 3.0, Physical Layer Specification, CM-SP-PHYV3.0-I10-111117
- BTP0247657-8750: J. Riddel, PacketCable Implementation (2007)
[REDACTED]

- [REDACTED]
- <http://www.cablelabs.com/cablemodem/>
 - <http://www.cablelabs.com/cablemodem/primer/>
 - <http://www.cablelabs.com/packetcable/>
- [REDACTED]

- <http://www.cablelabs.com/specifications/>
 - Texas Instruments' press release titled "ARRIS Selects Texas Instruments as Primary Supplier of Cable Modem Solutions" dated November 9, 2004; <http://newscenter.ti.com/index.php?s=32851&item=126919>
 - Letter from your CEO" in Intel Corporation's 2010 Annual Report,
 - <http://www.intc.com/intelAR2010/introduction/ceo/index.html>
 - Intel Application Brief titled "DSP-based Puma-4 Architecture for EMTA Applications" at <http://www.intel.com/content/dam/doc/product-brief/puma4-appbrief.pdf>
 - Intel Product Brief titled "Products by Technology: Cable Modem, Set Top Box and Video Gateway Solutions" at <http://www.intel.com/content/dam/doc/productbrief/pumafamily-prodbrief.pdf>
- [REDACTED]

- BTI-COX062626-2695: PacketCable™ MTA Device Provisioning Specification, PKTSP-PROV-I06-030413
- [REDACTED]

- BTP0015464-5520: PacketCable™ 1.5, Architecture Framework Technical Report, PKTTR-ARCH1.5-V02-070412
- BTP0244459-4509: PacketCable™ Architecture Call Flows Technical Report, On-Net MTA to PSTN Telephone, PKT-TR-CF-ON-PSTN-C01-071129
- BTP0244510-4581: PacketCable™ Architecture Call Flows Technical Report, On-Net MTA to On-Net MTA, PKT-TR-CF-ON-ON-C01-071129
- BTP0057392-7490: PacketCable™ Dynamic Quality-of-Service Specification, PKT-SPDQOS-C01-071129
- BTP0245086-5098: Engineering CMTS and HFC for VoIP with Capital and Operating Expenses in Mind
- BTP0245099-5238: RFC 4546, Radio Frequency (RF) Interface MIB for DOCSIS 2.0 Compliant RF Interfaces

- BTP0245239-7356: Cisco IOS CMTS Cable Software Configuration Guide, Rel. 12.2SC: Configuring the Cisco uBR10012 Universal Broadband Router for the First Time

[REDACTED]

- COX0017925-8157: PacketCable™ Dynamic Quality-of-Service Specification, PKT-SPDQOS-I03-02116

[REDACTED]

- Cisco Internetworking Technology Handbook; downloadable at http://docwiki.cisco.com/wiki/Internetworking_Technology_Handbook; last viewed on 6 March 2013
- DOCSIS 1.1, OSSI Interface Specification, CM-SP-OSSIV1.1-C01-050907
- PacketCable™ 1.0, Architecture Framework Technical Report, PKT-TR-ARCH-C01-071129
- PacketCable™ 1.5, Dynamic QoS Specification, PKT-SP-DQOS1.5-I04-090624
- PacketCable™ 1.5, Audio-Video Codecs Specification, PKT-SP-CODEC1.5-I04-120412
- PacketCable™ 2.0, Architecture Framework Technical Report, PKT-TR-ARCH-FRMV06-090528
- PacketCable™ 2.0, SIP Signaling Specification, PKT-TR-SIP-V04-071106

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